

THE U.S. DISTRICT COURT
FOR THE ~~NORTHERN~~ ^{Southern} DISTRICT OF GEORGIA
ATLANTA DIVISION

Augusta

CV123-0174

FREDERICK GIBBONS
SOULTRY SOUNDS ENTERPRISE INC

CASE NO.
(CONTRACT)

Plaintiff,

v.

SEDERA FLETCHER HOWE

I Waive The Court Demanded Herein

Defendant in Error.

DEFENDANT'S NOTICE OF REMOVAL

Defendant files this notice of removal under 28 U.S.C. §1446(a).

A. Introduction

1. Plaintiff is **FREDERICK GIBBONS SOULTRY SOUNDS ENTERPRISE INC** defendant is Sedera Fletcher Howe
2. On November 15th, 2023, plaintiff sued defendant for Dispossession.
3. Defendant received Dispossession Warrant on November 17, 2023. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007). {See *O'Connor's Federal Rules*, "Suit removable at time of filing," ch. 4-A, §4.1, p. 239.}

B. Basis for Removal

4. Removal is proper because

Federal-question jurisdiction

5. Plaintiff's suit involves a federal question. 28 U.S.C. §§1331, 1441(a); *Grable & Sons Metal Prods, Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308, 312 (2005); *Broder v. Cablevision Sys. Corp.*, 418 F.3d 187, 194 (2d Cir. 2005); *Peters v. Union Pac. R.R.*, 80 F.3d 257, 260 (8th Cir. 1996). Specifically, plaintiff's claim arises under 28 U.S.C. §1332 The Court has jurisdiction over the lawsuit

because the suit arises under {*See O'Connor's Federal Rules, "Allegations in complaint," ch. 2-B, §3.1, p. 74; "Grounds for federal-question jurisdiction," ch. 2-F, §2.3, p. 108.*} *Federal-question jurisdiction.*

6. The Court has jurisdiction over the lawsuit because the suit arises under *article 1, section 10* to the U.S. Constitution. *See Constitution. At 9 alleging that Defendants Created "money out of thin air* {*See O'Connor's Federal Rules, "Authority," ch. 2-F, §2.1, p. 107.*}

7. Defendant has a statutory right to remove. *CI Int'l Fuels, Ltda. v. Helm Bank, S.A.*, 707 F. Supp. 2d 1351, 1354-55 (S.D. Fla. 2010); *see Durham v. Lockheed Martin Corp.*, 445 F.3d 1247, 1253 (9th Cir. 2006). 28 U.S.C. 1441 {*See O'Connor's Federal Rules, "Independent right to removal," ch. 4-A, §8.4.2, p. 261.*}

8. "Due Process requires, at minimum, that an individual be given a meaningful opportunity to be heard prior to being subjected by force of law to a significant deprivation.... That the hearing required by due process is subjected to waiver, and is not fixed in form does not affect its root requirement that an individual be given opportunity for a hearing before he or she is deprived of any significant property interest.... "(*Original italics; 401 US 378-379*) *Randone v. Appellate Department, 1971, 5 C3d 536,550.*

9. Defendant has no remedies at law in Magistrate court; Magistrate court does not have trial by jury, O.C.G.A. 15-10-41 ...provides that no jury trials be had in the magistrate court and O.C.G.A. 15-0-42 provides that proceedings in the magistrate court are not Subject to O.C.G.A. 9-11-38 "the right to trial by jury in, dispossessory actions exists only where the right existed prior to the adoption of the first Georgia Constitution"...Art. I, Sec. I, Para.7 (a) of the Constitution of Georgia. *Dept. of Transp .v. Del-Cook Timber Co.*, 248 Ga. 734(8) (285 SE2d 913) (1982); *Bell v. Cornic*, 248 Ga.457 (1) (283 SE2d 476) (1981); *Strange v. Strange*, 222 Ga.44 (2) (148 SE2d 494) (1966); *Metropolitan Cas. Ins.Co. v. Huhn*, 165 Ga. 667(2) (142 SE 121) (1927). No proper summons was issued according to Fed. R. Civil P. 12(b).

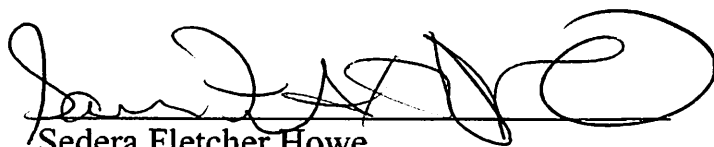
10. Therefore, I waive the court!

CERTIFICATE OF SERVICE

I certify that on November 29 2023, a copy of Removal Notice Was served by certified U.S. mail, return receipt requested, on the following attorney and Registered Agent in charge for Plaintiff

FREDERICK GIBBONS
PO BOX 2581
AUGUSTA GEORGIA 30903

This 29 day of November, 2023

A handwritten signature in black ink, appearing to read 'Sedera Fletcher Howe', written over a horizontal line.

Sedera Fletcher Howe
Sui Juris in Propria Persona
Without Prejudice, UCC 1-308, UCC 1-207
C/o 3511 Melody Court
Augusta, Georgia [30906-9998]

11. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. §1446(a). {See *O'Connor's Federal Rules*, "Attach state-court documents," ch. 4-A, §7.3.4, p. 258.}
12. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district. {See *O'Connor's Federal Rules*, "In federal court," ch. 4-A, §7.5.1(1), p. 259.}
13. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending. {See *O'Connor's Federal Rules*, "In state court," ch. 4-A, §7.5.1(2), p. 259.}

C. Jury Demand

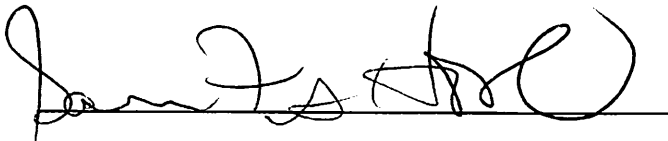
14. Plaintiff did not demand a jury in the state-court suit. {See *O'Connor's Federal Rules*, "Jury demand," ch. 4-A, §7.3.5, p. 258.}

D. Conclusion

15. Removal is proper because Defendant is a citizen of Georgia, For these reasons, defendant asks the Court to remove the suit to the United States District Court for Northern District of Georgia, Atlanta Division.

WHEREFORE Defendant hereby removes this action to this court.

This 29 day of November, 2023



Sedera Fletcher Howe

Sui Juris in Propria Persona

Without Prejudice, UCC 1-308, UCC 1-207

C/o 3511 Melody Court

Augusta, Georgia [30906-9998]

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

FREDERICK GIBBONS SOULTRY SOUNDS
ENTERPRISE INC PO BOX 2581
AUGUSTA GEORGIA 30903

(b) COUNTY OF RESIDENCE OF FIRST LISTED

PLAINTIFF RICHMOND

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANT(S)

Chelesa Jackson
Without Prejudice, UCC 1-308, UCC 1-207
C/o 845 Willow Ridge Way
Avondale Estates, Georgia [30002-9998]

CV123-0174

COUNTY OF RESIDENCE OF FIRST LISTED

DEFENDANT RICHMOND

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

FREDERICK GIBBONS SOULTRY SOUNDS
ENTERPRISE INC PO BOX 2581
AUGUSTA GEORGIA 30903

ATTORNEYS (IF KNOWN)

~~Chelesa Jackson~~ Sadeara Fletcher Howe
Sui Juris in Propria Persona
~~C/o 845 Willow Ridge Way~~ 3511 Melody Court
~~Avondale Estates, Georgia [30002-9998]~~
Augusta, GA 30909

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. GOVERNMENT PLAINTIFF | <input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY) |
| <input type="checkbox"/> 2 U.S. GOVERNMENT DEFENDANT | <input type="checkbox"/> 4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(FOR DIVERSITY CASES ONLY)

- | PLF | DEF | | PLF | DEF | |
|----------------------------|---------------------------------------|---|---------------------------------------|----------------------------|---|
| <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | CITIZEN OF THIS STATE | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 | INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | CITIZEN OF ANOTHER STATE | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | FOREIGN NATION |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- | | | | | | | |
|--|--|--|---|---|---|--|
| <input type="checkbox"/> 1 ORIGINAL PROCEEDING | <input checked="" type="checkbox"/> 2 REMOVED FROM STATE COURT | <input type="checkbox"/> 3 REMANDED FROM APPELLATE COURT | <input type="checkbox"/> 4 REINSTATED OR REOPENED | <input type="checkbox"/> 5 TRANSFERRED FROM ANOTHER DISTRICT (Specify District) | <input type="checkbox"/> 6 MULTIDISTRICT LITIGATION | <input type="checkbox"/> 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT |
|--|--|--|---|---|---|--|

V. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

(IF COMPLEX, CHECK REASON BELOW)

- | | |
|---|---|
| <input type="checkbox"/> 1. Unusually large number of parties. | <input type="checkbox"/> 6. Problems locating or preserving evidence |
| <input type="checkbox"/> 2. Unusually large number of claims or defenses. | <input type="checkbox"/> 7. Pending parallel investigations or actions by government. |
| <input type="checkbox"/> 3. Factual issues are exceptionally complex | <input type="checkbox"/> 8. Multiple use of experts. |
| <input type="checkbox"/> 4. Greater than normal volume of evidence. | <input type="checkbox"/> 9. Need for discovery outside United States boundaries. |
| <input checked="" type="checkbox"/> 5. Extended discovery period is needed. | <input type="checkbox"/> 10. Existence of highly technical issues and proof. |

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # _____	AMOUNT \$ _____	APPLYING IFP _____	MAG. JUDGE (IFP) _____
JUDGE _____	MAG. JUDGE _____ (Referral)	NATURE OF SUIT _____	CAUSE OF ACTION _____

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)**CONTRACT - "0" MONTHS DISCOVERY TRACK**

- ☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- ☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- ☐ 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- ☐ 110 INSURANCE
- ☐ 120 MARINE
- ☐ 130 MILLER ACT
- ☐ 140 NEGOTIABLE INSTRUMENT
- ☐ 151 MEDICARE ACT
- ☐ 160 STOCKHOLDERS' SUITS
- ☐ 190 OTHER CONTRACT
- ☐ 195 CONTRACT PRODUCT LIABILITY
- ☐ 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- ☐ 210 LAND CONDEMNATION
- ☐ 220 FORECLOSURE
- ☐ 230 RENT LEASE & EJECTMENT
- ☐ 240 TORTS TO LAND
- ☐ 245 TORT PRODUCT LIABILITY
- ☐ 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- ☐ 310 AIRPLANE
- ☐ 315 AIRPLANE PRODUCT LIABILITY
- ☐ 320 ASSAULT, LIBEL & SLANDER
- ☐ 330 FEDERAL EMPLOYERS' LIABILITY
- ☐ 340 MARINE
- ☐ 345 MARINE PRODUCT LIABILITY
- ☐ 350 MOTOR VEHICLE
- ☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
- ☐ 360 OTHER PERSONAL INJURY
- ☐ 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- ☐ 365 PERSONAL INJURY - PRODUCT LIABILITY
- ☐ 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- ☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- ☐ 370 OTHER FRAUD
- ☐ 371 TRUTH IN LENDING
- ☐ 380 OTHER PERSONAL PROPERTY DAMAGE
- ☐ 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- ☐ 422 APPEAL 28 USC 158
- ☐ 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- ☐ 441 VOTING
- ☐ 442 EMPLOYMENT
- ☐ 443 HOUSING/ ACCOMMODATIONS
- ☐ 444 WELFARE
- ☐ 440 OTHER CIVIL RIGHTS
- ☐ 445 AMERICANS with DISABILITIES - Employment
- ☐ 446 AMERICANS with DISABILITIES - Other
- ☐ 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- ☐ 462 NATURALIZATION APPLICATION
- ☐ 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- ☐ 463 HABEAS CORPUS- Alien Detainee
- ☐ 510 MOTIONS TO VACATE SENTENCE
- ☐ 530 HABEAS CORPUS
- ☐ 535 HABEAS CORPUS DEATH PENALTY
- ☐ 540 MANDAMUS & OTHER
- ☐ 550 CIVIL RIGHTS - Filed Pro se
- ☐ 555 PRISON CONDITION(S) - Filed Pro se
- ☐ 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- ☐ 550 CIVIL RIGHTS - Filed by Counsel
- ☐ 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- ☐ 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- ☐ 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- ☐ 710 FAIR LABOR STANDARDS ACT
- ☐ 720 LABOR/MGMT. RELATIONS
- ☐ 740 RAILWAY LABOR ACT
- ☐ 751 FAMILY and MEDICAL LEAVE ACT
- ☐ 790 OTHER LABOR LITIGATION
- ☐ 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- ☐ 820 COPYRIGHTS
- ☐ 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- ☐ 830 PATENT

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- ☐ 861 HIA (1395f)
- ☐ 862 BLACK LUNG (923)
- ☐ 863 DIWC (405(g))
- ☐ 863 DIWW (405(g))
- ☐ 864 SSID TITLE XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- ☐ 870 TAXES (U.S. Plaintiff or Defendant)
- ☐ 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- ☐ 375 FALSE CLAIMS ACT
- ☐ 400 STATE REAPPORTIONMENT
- ☐ 430 BANKS AND BANKING
- ☐ 450 COMMERCE/ICC RATES/ETC.
- ☐ 460 DEPORTATION
- ☐ 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- ☐ 480 CONSUMER CREDIT
- ☐ 490 CABLE/SATELLITE TV
- ☐ 891 AGRICULTURAL ACTS
- ☐ 893 ENVIRONMENTAL MATTERS
- ☐ 895 FREEDOM OF INFORMATION ACT
- ☐ 950 CONSTITUTIONALITY OF STATE STATUTES
- ☐ 890 OTHER STATUTORY ACTIONS
- ☐ 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- ☐ 410 ANTITRUST
- ☐ 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- ☐ 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____

JURY DEMAND ☐ YES ☐ NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- ☐ 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- ☐ 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- ☐ 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- ☐ 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- ☐ 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case ☐ IS ☐ IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

SIGNATURE OF ATTORNEY OF RECORD

DATE

11/29/23